

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

GERALD L. CLEMONS, :  
Petitioner, :  
vs. : Case No. C1-00-722  
BETTY MITCHELL, WARDEN, : JUDGE GEORGE SMITH  
Respondent. : MAGISTRATE JUDGE NORAH KING

MOTION FOR EXTENSION OF TIME TO FILE MERIT BRIEF

Now comes Petitioner Clemons, by and through his attorneys, Richard Ketcham and David Graeff, and respectfully requests that the time be extended from March 15, 2004 to May 28, 2004 to file his merit brief in the above styled matter.

The reasons for this request are stated in the accompanying memorandum in support.

Respectfully submitted,



RICHARD S. KETCHAM (0023380)  
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COUNSEL FOR PETITIONER CLEMONS

MEMORANDUM IN SUPPORT OF MOTION

Counsel for Petitioner Clemons have been working closely on the completion of the merit brief in this case.

One of the counsel's father passed away recently, and this has created a great deal of difficulty with him and with respect to coordinating family concerns along with his private practice.

In addition, the same counsel recently negotiated a death penalty plea in which the victim was a law enforcement official, in Muskingum County, Ohio.

In addition, as this Court is aware, this case is a capital case in which there are numerous complicated issues which have to be presented to this Court.

Both counsel certify that in order to adequately present to this Court the proper issues, both need the extra approximately two and one-half months to complete this merit brief.

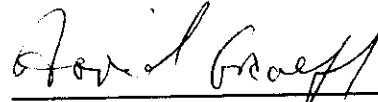
In addition, it should be noted that counsel for Respondent has completed their Return of Writ, this has been thoroughly reviewed, and again, the extra time is needed to properly respond.

For the above reasons, it is respectfully requested that Petitioner Clemons be allowed until May 28, 2004 to file his merit brief.

Respectfully submitted,



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COUNSEL FOR PETITIONER CLEMONS

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing by depositing it in the United States mail, first class, postage prepaid, addressed to lead counsel Tara L. Berrien and Charles Wille, Assistant Attorneys General, Capital Crimes Section, 30 East Broad Street, 23rd Floor, Columbus, Ohio 43215-3428 this 5<sup>th</sup> day of March, 2004.



RICHARD S. KETCHAM (0023380)

COUNSEL FOR PETITIONER CLEMONS